

KELLY A. JOHNSON
Acting Assistant Attorney General
Environment and Natural Resources Division
U.S. Department Of Justice
ROBERT D. MULLANEY (Cal. Bar No. 116441)
Trial Attorney
Environmental Enforcement Section
U.S. Department of Justice
301 Howard Street, Suite 1050
San Francisco, CA 94105
Tel: (415) 744-6491
Fax: (415) 744-6476
E-mail: Robert.Mullaney@usdoj.gov

DEBRA WONG YANG
United States Attorney
Central District of California
LEON W. WEIDMAN
Chief, Civil Division
300 North Los Angeles Street
Los Angeles, CA 90012
Tel: (213) 894-2400
Fax: (213) 894-7385

Attorneys for Plaintiff United States of America

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

AZUSA LAND RECLAMATION
CO., INC., FAIRCHILD HOLDING
CORP., HARTWELL
CORPORATION, OIL & SOLVENT
PROCESS COMPANY,
REICHHOLD, INC., and WINCO
ENTERPRISES INC., formerly
known as WYNN OIL COMPANY,

Defendants.

Civil No.

COMPLAINT FOR COST
RECOVERY

1 The United States of America, by and through the undersigned attorneys, by
2 the authority of the Attorney General of the United States and at the request of and
3 on behalf of the United States Environmental Protection Agency (“EPA”), alleges
4 the following:

5 STATEMENT OF THE CASE

6 1. This is a civil action brought pursuant to Section 107 of the
7 Comprehensive Environmental Response, Compensation, and Liability Act, as
8 amended (“CERCLA”), 42 U.S.C. § 9607, against Azusa Land Reclamation Co.,
9 Inc., Fairchild Holding Corp., Hartwell Corporation, Oil & Solvent Process
10 Company, Reichhold, Inc., and Winco Enterprises Inc., formerly known as Wynn
11 Oil Company (“Defendants”). Pursuant to CERCLA Section 107, 42 U.S.C.
12 § 9607, the United States seeks recovery of unreimbursed costs incurred and to be
13 incurred by it, together with interest, for activities undertaken in response to the
14 release or threatened release of hazardous substances at the Baldwin Park Operable
15 Unit of the San Gabriel Valley Superfund Sites, Areas 1-4, in Los Angeles County,
16 California (the “BPOU Area” or “Site”). The United States also seeks a
17 declaratory judgment, pursuant to CERCLA Section 113(g)(2), 42 U.S.C.
18 § 9613(g)(2), that Defendants are jointly and severally liable for future response
19 costs incurred by the United States in connection with the Site.

20 JURISDICTION AND VENUE

21 2. This Court has jurisdiction over the subject matter of this action
22 pursuant to 42 U.S.C. §§ 9607 and 9613(b), and 28 U.S.C. §§ 1331 and 1345.

23 3. Venue is proper in this district pursuant to 42 U.S.C. § 9613(b) and 28
24 U.S.C. § 1391(b) and (c) because the claims arose, and the threatened or actual
25 releases of hazardous substances occurred, in this district, and because Defendants
26 reside in this district.

27 DEFENDANTS

28 4. Each Defendant is a “person” as defined by Section 101(21) of CERCLA, 42

1 U.S.C. § 9601(21).

2 5. Azusa Land Reclamation Co., Inc. (“ALR”) is a California
3 corporation that operated, directly or through its predecessors-in-interest, a landfill
4 at 1201 West Gladstone Street in Azusa, California (“the Gladstone Street
5 property”) from approximately 1974 until the present. ALR is a person who, at the
6 time of disposal of a hazardous substance, operated a facility from which there was
7 a release, or a threatened release, of a hazardous substance that caused the
8 incurrence of response costs. ALR continues to operate the facility.

9 6. Fairchild Holding Corp., formerly known as Fairchild Industries
10 (“Fairchild”), is a Delaware corporation that operated a facility at 601 Vincent
11 Avenue in Azusa, California (“the Vincent Avenue property”) from approximately
12 1965 to 1968. Fairchild also owned the Vincent Avenue property from
13 approximately 1965 until 1987. Fairchild is a person who, at the time of disposal
14 of a hazardous substance, owned and operated a facility from which there was a
15 release, or a threatened release, of a hazardous substance that caused the incurrence
16 of response costs.

17 7. Hartwell Corporation is a California corporation that operated a
18 facility at 701 W. Foothill Boulevard in Azusa, California (“the W. Foothill
19 property”) from approximately 1964 to 1986. Hartwell also owned the W. Foothill
20 property from approximately 1967 to 1988. Hartwell is a person who, at the time
21 of disposal of a hazardous substance, owned and operated a facility from which
22 there was a release, or a threatened release, of a hazardous substance that caused
23 the incurrence of response costs.

24 8. Oil & Solvent Process Company (“OSCO”) is a California corporation
25 that owned and operated a facility at 1704 West First Street in Azusa, California
26 (“the West First Street property”) from approximately 1954 to 1999. OSCO is a
27 person who, at the time of disposal of a hazardous substance, owned and operated a
28 facility from which there was a release, or a threatened release, of a hazardous

1 substance that caused the incurrence of response costs.

2 9. Reichhold, Inc. is a Delaware corporation that has owned and
3 operated a facility at 237 S. Motor Avenue in Azusa, California (“the S. Motor
4 Avenue property”) since at least 1949. Reichhold is a person who, at the time of
5 disposal of a hazardous substance, owned and operated a facility from which there
6 was a release, or a threatened release, of a hazardous substance that caused the
7 incurrence of response costs. Reichhold continues to own and operate the facility.

8 10. Winco Enterprises Inc., formerly known as Wynn Oil Company
9 (“Winco”), is a California corporation that has owned and operated a facility at
10 1151 W. 5th Street in Azusa, California (“the 5th Street property”) since
11 approximately 1951. Winco is a person who, at the time of disposal of a hazardous
12 substance, owned and operated a facility from which there was a release, or a
13 threatened release, of a hazardous substance that caused the incurrence of response
14 costs. Winco continues to own and operate the facility.

15 GENERAL ALLEGATIONS

16 11. The BPOU Area is located in the San Gabriel Valley in and near the
17 cities of Azusa, Irwindale, Baldwin Park, and West Covina in Los Angeles County,
18 California. The BPOU Area comprises a several mile long area of groundwater
19 contamination in the San Gabriel Valley. The BPOU Area is a “facility” within the
20 meaning and scope of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

21 12. In October 1984, EPA placed the BPOU Area on the National
22 Priorities List based on water quality information available at the time of listing.
23 40 C.F.R. Part 300, Appendix B. The BPOU Area is known as the San Gabriel
24 Valley Area 2 Superfund Site.

25 13. Subsequent investigation by EPA and others revealed the tremendous
26 extent of groundwater contamination in the San Gabriel Valley. During the past 25
27 years, more than one-quarter of the approximately 190 municipal water supply
28 wells in the San Gabriel Valley have been found to be contaminated, requiring

1 water companies to shut down wells, install new treatment facilities, and take other
2 steps to ensure that they can supply water meeting federal and State drinking water
3 standards.

4 14. From approximately October 1984 to April 1993, EPA undertook a
5 Remedial Investigation and Feasibility Study (“RI/FS”) for the BPOU Area,
6 pursuant to CERCLA and the National Contingency Plan, 40 C.F.R. Part 300. In a
7 report dated April 2, 1993, EPA presented the results of the BPOU Area RI/FS.

8 15. EPA’s decision on the interim remedial action for the BPOU Area is
9 embodied in an interim Record of Decision (“ROD”), executed on March 31, 1994.
10 The ROD is supplemented by an Explanation of Significant Differences issued in
11 May 1999. The selected interim remedy provides for the construction and
12 operation of groundwater extraction wells, treatment facilities, and conveyance
13 facilities capable of pumping and treating approximately 22,000 gallons per minute
14 of contaminated groundwater from the BPOU Area. This remedy is intended to
15 limit the movement of contaminated groundwater into clean or less contaminated
16 areas and depths, remove a significant mass of contamination from the
17 groundwater, and provide the data necessary to determine, in a subsequent final
18 Record of Decision, “in situ” cleanup standards for the BPOU Area.

19 16. ALR began landfill operations at the Gladstone Street property in
20 approximately 1974. In addition to ordinary household and commercial refuse, the
21 landfill received acids, bases, unspecified organic compounds, resins, scrubber
22 residuals, heavy metals, waste oils, and waste oil sludges. Landfilling at the
23 Gladstone Street property began in approximately 1952 (prior to ALR’s
24 operations), before liners, containment structures, leachate collection or removal
25 systems, or leak detection systems were commonly used or required. Accordingly,
26 filled and partially-filled portions of the landfill have none of those protective
27 features. The recovery of vapor from within the landfill began in approximately
28 1978. Between 1978 and 1985, approximately 1,500 to 2,000 gallons per day of

1 condensate from the vapor recovery system were discharged into the landfill.

2 17. In subsurface investigations at the Gladstone Street property,
3 perchloroethylene (“PCE”), trichloroethene (“TCE”), trans-1,2-dichloroethene
4 (“trans-1,2-DCE”), dichloroethane (“DCA”), methylene chloride (“MC”), 1,2-
5 dichlorobenzene, 1,4-dichlorobenzene, monochlorobenzene, methyl ethyl ketone,
6 acetone, methylisobutylketone, ethanol, propanol, butanol, butanone,
7 tetrahydrofuran, toluene, ethylbenzene, and xylenes have been detected in soil, soil
8 vapor, condensate (liquid samples condensed from the soil vapor), refuse, and/or
9 groundwater. These investigations confirmed the presence of hazardous
10 substances, as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), at
11 the Gladstone Street property.

12 18. Fairchild operated or owned a facility at the Vincent Avenue property
13 from 1965 through 1987. Chemical use at the facility included PCE from 1967
14 through 1984 and 1,1,1-trichloroethane (“1,1,1-TCA”) beginning in the mid-
15 1980’s. Solvents were used in an onsite vapor degreaser on the Vincent Avenue
16 property.

17 19. In subsurface investigations at the Vincent Avenue property, PCE,
18 TCE, 1,1,1-TCA, and other compounds have been detected in soil and soil vapor.
19 These investigations confirmed the presence of hazardous substances, as defined
20 by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), at the Vincent Avenue
21 property.

22 20. Hartwell operated a facility at the W. Foothill property from
23 approximately 1964 to 1986. Chemical use at the facility included PCE and 1,1,1-
24 TCA. Hartwell operated a vapor degreaser at the W. Foothill property.

25 21. In subsurface investigations, PCE, TCE, 1,1,1-TCA, 1,1-DCE, and
26 other chemicals have been detected in soil, soil vapor, and/or groundwater at the
27 W. Foothill property. These investigations confirmed the presence of hazardous
28 substances, as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), at

1 the W. Foothill property.

2 22. OSCO operated a facility at the West First Street property from
3 approximately 1954 to 1999, recycling and distributing used solvents and
4 repackaging and distributing virgin solvents. Chemicals recycled and/or distributed
5 at the facility have included 1,1,1-TCA, PCE, TCE, MC, 1,2-DCA, and 1,1-DCE.
6 OSCO also reported that, throughout its history of operations, spills and releases
7 occurred in the production, shipping, loading, and drum storage areas. During the
8 majority of the years of operation, large areas of the facility were unpaved. Some
9 areas that were paved, such as the storage pad, lacked structures to contain a spill.

10 23. In subsurface investigations at the West First Street property, PCE,
11 TCE, 1,1,1-TCA, 1,1-DCA, MC, and other chemicals have been detected in soil,
12 soil vapor, and/or groundwater. These investigations confirmed the presence of
13 hazardous substances, as defined by Section 101(14) of CERCLA, 42 U.S.C.
14 § 9601(14), at the West First Street property.

15 24. Reichhold has operated a facility at the S. Motor Avenue property
16 since at least 1949, manufacturing resins and other products. Chemical use at the
17 facility has included TCE, 1,1,1-TCA, and Freon, primarily to clean process tanks.
18 Past releases of hazardous substances have been reported at the S. Motor Avenue
19 property.

20 25. In subsurface investigations at the S. Motor Avenue property, PCE,
21 TCE, 1,1,1-TCA, 1,1-DCA, 1,1-DCE, and other chemicals have been detected in
22 the soil vapor. These investigations confirmed the presence of hazardous
23 substances, as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), at
24 the S. Motor Avenue property.

25 26. Winco has operated a facility at the 5th Street property since
26 approximately 1951 for the manufacture and distribution of petrochemical
27 lubricants and additives for automotive and industrial use. Chemical use at the
28 facility has included 1,1,1-TCA, PCE, TCE, 1,2-DCA, MC, xylene, and other

1 chemicals. In 1985, Winco was issued a notice of violation by Los Angeles
2 County and subsequently removed approximately 120 cubic yards of contaminated
3 soil.

4 27. In subsurface investigations at the 5th Street property, PCE, TCE,
5 1,1,1-TCA, cis-1,2-DCE, 1,1-DCA, 1,1-DCE, MC, benzene, toluene, xylenes, and
6 other chemicals have been detected in soil, soil vapor, and/or groundwater. These
7 investigations confirmed the presence of hazardous substances, as defined by
8 Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), at the 5th Street property.

9 28. The Gladstone Street property, the Vincent Avenue property, the W.
10 Foothill property, the West First Street property, the S. Motor Avenue property,
11 and the 5th Street property are collectively referred to hereinafter as the
12 Defendants' Facilities.

13 29. Each of Defendants' Facilities is a "facility" within the meaning and
14 scope of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

15 30. There was a "release" or a threat of a "release," as defined by Section
16 101(22) of CERCLA, 42 U.S.C. § 9601(22), of hazardous substances into the
17 environment at and from each of Defendants' Facilities.

18 31. Hazardous substances, within the meaning of Section 101(14) of
19 CERCLA, 42 U.S.C. § 9601(14) have been disposed of at each of Defendants'
20 Facilities.

21 32. Hazardous substances and solid wastes released from each of
22 Defendants' Facilities have moved downward from the surface and through soil,
23 leaving large plumes of contaminated groundwater in the BPOU Area.

24 33. As of June 30, 2004, the United States had incurred response costs in
25 connection with the Site of approximately \$32.1 million. The United States has
26 received reimbursement to date in the sum of approximately \$11.4 million. The
27 United States continues to incur response costs in connection with the Site.

28
CLAIM FOR RELIEF
Response Costs under CERCLA Section 107

34. The allegations contained in Paragraphs 1 - 33 are realleged and incorporated by reference herein.

36. Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), provides in pertinent part that, in any action for recovery of costs: “the court shall enter a declaratory judgment on liability for response costs or damages that will be binding on any subsequent action or actions to recover further response costs or damages.”

38. The costs incurred by the United States in connection with the Site are not inconsistent with the National Contingency Plan, which was promulgated under Section 105(a) of CERCLA, 42 U.S.C. § 9605(a), and codified at 40 C.F.R. Part 300.

PRAYER FOR RELIEF

1. Enter judgment in favor of the United States and against the Defendants, jointly and severally, for all costs, including prejudgment interest,

1 incurred by the United States for response actions in connection with the Site and
2 not otherwise reimbursed;

3 2. Enter a declaratory judgment on liability for response costs or
4 damages that will be binding on any subsequent action or actions to recover further
5 response costs or damages;

6 3. Award the United States its costs of this action; and

7 4. Grant such other and further relief as this Court deems to be just and
8 proper.

9 Respectfully submitted,

10 FOR THE UNITED STATES OF AMERICA

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12
13 Date: _____

14 Kelly A. Johnson
15 Acting Assistant Attorney General
16 Environment and Natural Resources
17 Division
18 Washington, D.C. 20530

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20
21
22 Date: _____

23 Robert D. Mullaney
24 Trial Attorney
25 Environmental Enforcement Section
26 Environment and Natural Resources
27 Division
28 U.S. Department of Justice
301 Howard Street, Suite 1050
ia 94105

29 OF COUNSEL:

30 Lewis C. Maldonado
31 Assistant Regional Counsel
32 U.S. EPA, Region 9
33 75 Hawthorne Street
34 San Francisco, California 94105